

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

*In Re:* Jihad Ali Hossein

Case No. 15-mc-50289  
HON. GERSHWIN A. DRAIN

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ORDER OF SUMMARY DISMISSAL

This is a miscellaneous matter entitled “Notice of Appointment to the Office of Executor for the Estate Named or Known as: Jihad Ali Hossein . . . .” Hossein did not submit a filing fee with the Complaint as required by 28 U.S.C. § 1914, nor did Hossein submit an application to proceed *in forma pauperis* as required by 28 U.S.C. § 1915.

Notwithstanding the failure to submit a filing fee, the Court has the authority to dismiss the case at any time if the Court determines that the action is frivolous, malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). A complaint may be deemed frivolous “where it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319,

325 (1989). Federal courts hold the pro se complaint to a “less stringent standard” than those drafted by attorneys. *Haines v. Kerner*, 404 U.S. 519 (1972).

A review of Hossein’s filing shows that it lacks any arguable basis in law or in fact. Hossein’s filing is unclear as to the basis of this Court’s subject matter jurisdiction. The Court cannot discern any possible claim over which this Court could exercise its subject matter jurisdiction based on the rambling and incoherent nature of Hossein’s filing. Therefore, this action must be dismissed.

Based on the foregoing, this action is DISMISSED as legally frivolous. *Neitzke*, 490 U.S. at 327-28.

SO ORDERED.

/s/ Gershwin A. Drain

GERSHWIN A. DRAIN

UNITED STATES DISTRICT JUDGE

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Dated: March 20, 2015

#### CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys/parties of record on March 20, 2015 by electronic and/or ordinary mail.

/s/ Tanya Bankston

Deputy Clerk